



4. Plaintiffs' lawyer has conferred with lawyer for Highland Mining Company, who represented that the company has not made a decision whether to move to continue the March 22, 2011 hearing.

5. Because of the changes that Dr. Palmer will be making to her schedule to ensure her availability for the March 22, 2011 hearing, it is imperative that the parties know with certainty whether the hearing will proceed as scheduled.

6. Plaintiffs expect to call other witnesses that will be travelling from out of state as well.

DATED: March 10, 2011

Respectfully submitted,

/s/ Joseph M. Lovett  
JOSEPH M. LOVETT  
DEREK TEANEY  
Appalachian Center for the  
Economy and the Environment  
P.O. Box 507  
Lewisburg, WV 24901  
Counsel for Plaintiffs

